

MONDAY, Aug. 18th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Potter, Chairman of the Judiciary Committee made the following report :

The Judiciary Committee herewith return the bill to be entitled an act to adopt and establish a penal code for the State, and to go with the code of criminal procedure, which has been acted upon by the Senate. A majority of the committee recommend the bill to the favorable consideration of the Senate.

Mr. Flanagan, Chairman of the Committee on Internal Improvements, to which was referred a bill to incorporate the Texas Oil Company, reported the same back and recommended its passage.

On motion of Mr. Potter the rule was suspended; bill read 2d time and passed to a 3d reading.

Rule further suspended, bill read 3d time, and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Pedigo, Potter, Scarborough, Scott, Superville, Taylor of Houston, Truit, Weatherford, Whitaker and White—22.

NAYS—Messrs. Burroughs and Taylor of Cass—2.

Mr. Guinn, Chairman of the Committee on Engrossed Bills reported correctly engrossed a bill for the relief of Conrad Jergins.

A bill to authorize the Commissioner of the General Land Office to issue a patent to Haynes Crabtree.

A bill for the relief of Wm. Foreman and John Little.

A bill for the relief of the widow of Hezekiah Williams.

And a bill to incorporate the Houston Academy.

Mr. McCulloch from the Committee on counties and county boundaries made the following report :

The Committee on counties and county boundaries have considered a bill to create the county of Cibolo, and a majority of the committee have instructed me to report, that it appears from the investigation of the matter, that the county of Cibolo is taken from the counties of Bexar, Atascosa, Karnes, Gonzales and Guadalupe ; 476 square miles from Bexar, 126 square miles from Atascosa, 138 square miles from Karnes, 87 square miles from Gonzales, and 75 square miles from Gua-



dalupe, which gives to Cibola 902 square miles, without reducing either of the counties from which it is taken, under 900 square miles, except the counties of Karnes and Guadalupe, to which the representatives from said counties have agreed; and in its formation according to the boundaries it does not approach nearer than 17 miles to San Antonio, and does not in any manner interfere with the county seat of any county from which it is taken. It is also ascertained that all of the citizens living within the territory sought to be created at a distance of from 17 to 50 miles from their respective county seats, and many of them from 30 to 50 miles distant from them. Consequently, they are compelled to travel that distance to attend to their county business, at this time, which is a hardship that the committee think it unnecessary and unjust that they should continue to suffer, when they can be relieved without manifest injury or inconvenience to others.

I am therefore instructed to return the bill and recommend its passage.

Mr. Supervile Chairman of the same committee submitted the following reports :

The undersigned, a minority of the committee on counties and county boundaries, begs leave most respectfully to dissent from the report of the majority of said committee, on a petition of sundry citizens of Bexar and Guadalupe counties, asking for the creation of a new county out of a portion of the territory of Bexar, Guadalupe, Gonzales, Karnes and Atascosa counties.

The motives of the undersigned in presenting his objections against granting the prayer of the above-mentioned petition, do not proceed from a spirit of systematic opposition. Far from it; he would be the first to gratify the wishes of the petitioners, if he could do so consistently with his duty; but believing that according to the form and spirit of our institution the minority should yield to the rational will of the majority. The undersigned regards it his imperative duty to state the reasons that oblige him to oppose said petition.

1st, The county of Atascosa that was created in the first part of this session, was organized on the 4th of the present month, and its county centre established in conformity with its original limits, no complaint or objection has ever been made against these limits, its inhabitants appear perfectly satisfied with them, and without any of them desiring or requesting it, it is proposed to take from the county 126 square



miles, to take out two important water courses, and even a portion of the principal river, the Atascosa; to transfer the American citizens settled upon those streams, to another county, without even consulting them and to oblige them to go to a distant county seat across the San Antonio river, which has there no bridge nor practicable ford, and in certain seasons of the year is entirely unfordable. Such a course would be directly against the interests of the inhabitants of this portion of Atascosa county, and opposed to the wishes of the people of that county in general.

2d, To form the county asked for, it is necessary to take from Guadalupe county, which has already less than its constitutional area, 75 square miles, which reduces it to less than 800 square miles.

3d, It is also proposed to take 138 square miles from the county of Karnes, which at this time has scarcely 900 square miles, and thus reduce it below the minimum area required for each county by the constitution.

4th, The petitioners who reside upon Cibolo, propose to draw a line from the mouth of the Martinez to that of Eagle Creek, at its confluence with the San Antonio, thence crossing said river to go  $9\frac{1}{2}$  miles west, thence southwardly so as include a strip of Atascosa county  $6\frac{1}{2}$  miles in width, and also both banks of the San Antonio river, which are thickly settled and inhabited almost exclusively by a population of Mexican origin, most of whom do not understand the English language; this population amounts to about 1000 persons; the greater portion of whom reside west of the San Antonio river, and if included in the proposed county, would be subjected to the same inconveniences respecting their county seat, as the inhabitants of the adjoining portion of Atascosa county, already spoken of. This entire population is decidedly opposed to being separated from the county of Bexar; nearly all these inhabitants own real estate in the city of San Antonio; have houses there; their children are educated there; in that city they find magistrates and officers with whom they are well acquainted—who speak or at least understand their language, and if in an exceptional case one does not understand it, interpreters can always be found. They would have none of these advantages in the new county. Their separation from Bexar would be justly considered by them as an act of injustice and tyrannical oppression. They would regard such a course as one of unjust partiality, by which the wishes of the majority would



be made to yield to those of the minority and if any of their representatives should not oppose such an attempt, it would be a culpable neglect of the rights and interests of their constituents.

5th, By severing from Bexar county these settlements, on both banks of the San Antonio, the county taxes would be reduced one-fourth at least, and the county which is already laboring under the weight of a heavy debt, would be unable not only to discharge its debts, but even to pay its current expenses, which amount to over \$8,000 per annum.—Therefore this separation is contrary to the interests of the county at large.

This is not the first time that the citizens of the lower Cibolo have applied for a new county, they have several times previously solicited the Legislature for this purpose, but they have never before carried their pretensions so far on the left bank of the San Antonio river. The preceding reasons, except such as relate to the new county of Atascosa, have been sufficient to cause the rejection of their previous applications.

During the first part of the present session their application was simultaneously rejected by the committees of the Senate and House of Representatives. A new county however was created with the consent of the representatives of Bexar county including within its limits all that part of Bexar county that could be detached without conflicting with the interests and violating the wishes of the majority of the citizens. His Excellency the Governor thought proper to veto the bill creating the new county on the ground that it was not of the constitutional size and the Legislature sustained the veto. At that time the County of Atascosa was not created, the application was known and a petition signed by over 400 signatures, sent to oppose the granting of the new county.

Now, when we are near the close of the session, these same citizens return to the charge, hoping doubtlessly, that the pressure always accompanying the end of the Legislature will second their persistence. The undersigned hopes that this will not be the case, as this is a subject not to be acted upon hastily, but which should receive the mature consideration of the Senate, and that a question of this nature which is always regarded as a private matter, in which it is the uniform usage to consult the legal representatives of the county who are considered the exponents of the wishes of their constituents, the Senate will not make an exception in this instance. Therefore,



the undersigned demand that the petition and reports be re-committed to a select committee.

A. SUPERVIELE,  
Chairman and Senator from Bexar,  
Atascosa, &c.,

We concur in the foregoing report :

S. H. PIRKEY.  
J. M. BURROUGHS.

Mr. Taylor of Cass introduced a bill to require the Comptroller to perform the duties required of the auditor and Comptroller, under the provisions an act approved July 7th, 1853; read 1st time.

Rule suspended, bill read 2d time and ordered to be engrossed.

Rule further suspended, bill read 3d time and passed.

Mr. Lott introduced a bill for the relief of E. B. Prater; read 1st time.

Rule suspended, bill read second time, and ordered to be engrossed.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. Taylor of Houston, a House bill for the relief of William Herrington read and passed to 3d reading.

Rule suspended, bill read 3d time and passed.

Mr. Allen introduced a bill supplemental to an act entitled an act to ascertain the legal claims for money and lands against the State; read 1st time.

On motion of Mr. Palmer the rule was suspended, bill read 2d time and referred to the committee on the Judiciary.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor.

A bill for the relief of Robert S. Patton,			
"	"	"	heirs of Jonathan Clark.
"	"	"	William Herrin.
"	"	"	Edgar Pallett.
"	"	"	heirs of E. Howard, dec'd, and other
persons,			
"	"	"	therein named.
"	"	"	heirs of George W. Jewell.
"	"	"	Anthony Miller.
"	"	"	James Selman, dec'd.
"	"	"	Ebenezer Pulsifer.
"	"	"	heirs of Mathias Wilbarger.



A bill for the relief of Thomas Peck,  
 " " " certain persons therein named.  
 " " " Robert Collier.  
 " " " heirs and legal representatives of Archibald Fitzgerald.

A bill to validate the acts of Levi S. McMicken, as deputy County Clerk of Polk County.

A bill to amend the 9th section of an act concerning free persons of color, approved Feb. 5th, 1840.

Joint Resolution relative to making Corpus Christi a port of entry.

A bill to create the county of Hardin.

A bill to establish a causeway across the Neches river swamp in Orange county.

A bill to incorporate the town of Fairfield.

A bill making an appropriation for defraying the expenses of the State penitentiary, and

A bill to relinquish the right of the State to certain lands therein named.

Mr. Allen, chairman of the same committee reported the following bills correctly enrolled, properly signed, and this day presented to the Governor, viz.

A bill for the relief of Ezekiel Vickers.

" " " John B. Johnson.

" " " Louisa Netherly.

" " " heirs of William H. Clopton.

A bill to authorize the District Courts to issue land certificates, in certain cases.

A bill to donate lands to certain persons therein named for the improvement of the channel between Corpus Christi and Aransas pass.

A bill to authorize the Chief Justice of Tarrant county to order an election to locate the county seat of said county.

A bill to amend the 17th section of an act to incorporate the Memphis, El Paso, and Pacific Railroad Company, approved 5th February, 1856.

A bill to incorporate the town of Paris.

Mr. Taylor of Cass offered the following resolution:

*Resolved*, by the Senate that the resolution proposing the election of a State engineer on this day be rescinded, adopted.

A message was received from the House, informing the Senate that the House had reconsidered its vote accepting the invitation of the Senate to go into the election of a State En-



gineer at 10 o'clock to-day, and have refused to go into said election at present.

Mr. Millican, chairman of the select committee, made the following report :

The select committee to which was referred a resolution instructing them to enquire into the propriety of republishing evidence in relation to certain land titles in Texas, have had the same under consideration, and in the opinion of the committee such information as contained in the pamphlet of evidence alluded to, is essentially necessary in order to present that class of claims in their true light before the present population of Texas; or in other words to show the suspicion that rests upon that class of claims commonly known as the eleven league claims. The evidence desired to be republished is the testimony of about twenty individuals, summoned by the authority of Congress, to attend its session in 1840, for the purpose of perpetuating evidence in relation to the land titles of the country. • The evidence over the proper signature of each individual, in his own proper person, taken before a select joint committee of the Senate and House of Representatives, of the late Republic of Texas, which sufficiently explains itself showing conclusively that the class of claims above alluded to, were in many cases, not only *doubtful* but *spurious* from the beginning.

The committee is well aware, that it will be urged, there is no necessity for republishing the evidence for the reason that it is published in the journals of the Congress of 1840. True, in the appendix of 1840, attached to the Journals of that session, all this evidence will be found, but who now has these journals in his possessions? Many legal gentlemen, of high legal attainments in our State, never knew that such contingencies in the shape of testimony was hanging over that particular class of claims. In the opinion of the committee it is not for the mere benefit of the old Texians, the remainder of the old "three hundred," but it is in order to disseminate information throughout the whole length and breadth of our young and prosperous State, thereby enabling all classes of emigrants who are not familiar with the history of the "eleven League" claims in Texas, to form some idea in reference to their origin.

The committee in this late day of the session, cannot be expected to do justice in every respect to a subject of such magnitude, which in the opinion of your committee, deserves the



consideration of every reflecting mind in Texas, not only as evidence, but as a part of the history of those claims to which the evidence alludes, in order to place them in their true light before the good people of Texas.

We therefore recommend that one thousand copies of said evidence be printed for the use of the Senate.

Mr. Guinn, Chairman of the committee on engrossed bills, reported,

A bill to require the Comptroller to perform the duties required of the Auditor and Comptroller, under the provisions of an act relating to lost certificates of Public Debt of Texas, approved Feb. 7, 1853.

On motion of Mr. Hill,

A bill to prevent the sale of intoxicating drinks within the limits of the league of land in Fayette county, granted to Franklin Lewis, on which the town of Butersville is situated; read 2d time and ordered to be engrossed.

Rule suspended, bill read 3d time and passed.

On motion of Mr. Armstrong, a House bill to incorporate the town of Waco, in McLennan county, was taken up, read and passed to 3d reading.

Rule suspended, bill read 3d time and passed.

On motion of Mr. Taylor of Cass, the House bill to incorporate the Linden Academy was taken up and read 1st time.

Rule suspended, bill read 2d time and amended by striking out in 3d section, "May" and inserting "November."

The bill was then passed to a 3d reading.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Caldwell, Flanagan, Grimes, Hill, Lott, McCulloch, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker and White—22.

NAYS—Messrs. Burroughs and Wren—2.

On motion of Mr. White, a bill to relinquish the right of the State to certain lands in favor of certain persons, was taken up and read 1st time.

Rule suspended and bill read 2d time.

Mr. Armstrong offered the following amendment, Sec. — That the right of the State is hereby relinquished to the claimants of all locations, and surveys, made on said islands, by virtue of genuine land warrants and headright certificates—rejected.



The bill was then passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

A bill authorizing the use of the Spanish language before Justice's Courts in certain cases, and in the counties west of the Guadalupe river—passed by the Senate and passed by the House with amendments, was taken up and the amendments concurred in.

On motion of Mr. McCulloch, a bill for the relief of Martha Cadenas, a maniac, was taken up and read.

On motion of Mr. Palmer the bill was amended by adding "and the same amount for O. P. Kelton a lunatic of Harris county, and one or more persons." Adopted.

Mr. Flanagan offered the following amendment "and the same amount for Thomas J. Cornelius, who is now in the lunatic asylum in Philadelphia, and a citizen of Rusk county—adopted.

On motion of Mr. McCulloch the bill was amended by striking out "convey" and inserting "pay the expense of conveying" and the second section substituted by the following:

"That the Governor of this State shall have power to draw this appropriation from the Treasury, and to carry this act into effect by the appointment of one or more persons to take charge of said lunatics and said fund."

On motion of Mr. Palmer the caption was amended by adding "and other maniacs therein named."

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Hill, Hord, McCulloch, McDade, Martin, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Houston, Truit and White—18.

NAYS—Messrs. Allen, Armstrong, Burroughs, Guinn, Millican, Pirkey, Scott, Taylor of Cass, Taylor of Fannin, Weatherford and Whitaker—11.

Bill read 3d time and rejected by the following vote:

YEAS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Hill, Hord, McCulloch, McDade, Martin, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Houston, Truit and White—18.

NAYS—Messrs. Allen, Burroughs, Guinn, Millican, Pirkey, Scott, Taylor of Cass, Taylor of Fannin, Weatherford and Whitaker—10.

Two-thirds being necessary for its passage.



A message was received from the House informing the Senate that the House had passed the following bills, originating in that body :

A bill to incorporate the Mexican Gulf and Rio Grande Railroad Company.

A bill for the relief of Almanzon Houston,

A bill for the relief of Sam. B. Dickenson.

A bill for the relief of Dennis Meade and Richard Meade.

A bill for the relief of Peter F. Houston.

And a bill for the relief of George W. Grover and others therein named.

A message was received from the House informing the Senate that the House had passed the following bills originating in the Senate.

A bill for the relief of Absolom J. Lott.

" " " Wm. Frels.

A bill for the relief Mrs. G. M. Lewis, widow of A. Irwin Lewis, dec'd, late lieutenant in the Texas Navy.

A bill to amend an act to create the county of Comanche.

A bill to authorize Albert G. Hunt, to construct a road and bridge across the Yegua, at or near Blake's crossing, and

A bill to pay James H. Rogers as a special Judge of the Supreme Court.

Also the following Senate's bills with amendments.

A bill to incorporate the Houston tap and Brazoria Railroad Company.

And a bill for the relief of Francisco Antonio de los Rios.

And that the House had passed a substitute for the Senate's bills for the relief of Henry Applewhite, John S. Hill, and George Peerman.

Also that the House had concurred in the amendments of the Senate to the following bills :

A bill to incorporate the town of Montgomery.

A bill for the relief of Henry C. Lentz and David Holderman.

A bill for the relief of the heirs of Robert Davidson, dec'd.

" " " Arthur G. Waval.

And a bill to consolidate into one and amend the several acts incorporating the city of Galveston; and that the House had passed the Senate's bill to incorporate Woodville College, and the trustees of the same, and also that the House had refused to adopt the report of the committee of conference, on the amendments to the bill to incorporate the Huntsville R.



R. Company, and had appointed Messrs. Kittrell, Thompson and Worsham a committee of free conference upon the same, and request the appointment of a like committee on the part of the Senate.

On motion of Mr. Grimes the bill was taken up and the President appointed Messrs. Grimes, Burroughs and McDade a committee of free conference on the part of the Senate.

On motion of Mr. Palmer a House bill to amend the 3d section of an act to provide for the investment of the special school fund, in bonds of Rail Rail companies incorporated by the State, was taken up and read.

Mr. Pirkey offered the following amendment to come in as an independent section.

"That any Railroad Company of the State which shall have a subscription to its capitol stock of one million of dollars with 5 per cent upon the same actually paid thereon, and whose stock holders are liable to calls for the full amount of the certificates of stock, shall, whenever said company has fifty miles of their road graded and ready for the iron, be entitled to have \$6,000 of the amount proposed to be loaned by the act to which this is a supplement, for a section of 25 miles, set apart for said company in the Treasury, to be retained for the use of the same until said section of 25 miles shall be in complete running order; and so when other 50 miles of said road shall have been graded, a like amount set apart for the use of said road, and when said sections of road or roads shall be completed according to the terms of their charter, said sums may be drawn accordingly, under the provisions of law, provided that no company whose road has a terminus upon a navigable stream, gulph or bay, or after it shall have a communication to the same by a finished railroad, shall have the benefits of this section; nor shall any company be entitled to its benefits whose charter has been forfeited or not built according to its terms."

Mr. Palmer moved to lay the amendment on the table.

Mr. White moved to lay the bill and amendment on the table. Lost by the following vote:

YEAS—Messrs. Armstrong, Burroughs, Grimes, McCulloch, Maverick, Pedigo, Superveile, Taylor of Houston, Truit, Whitaker and White—11.

NAYS—Messrs. Allen, Caldwell, Flanagan, Guinn, Hill, McDade, Millican, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Fannin and Weatherford—14.



The amendment was then laid on the table.

Mr. Armstrong offered the following amendment to section 1. "Strike out all after the word "follows" in the first part of the section, and insert "that the special school fund shall not be appropriated by loaning the same or any part thereof, to Rail Road Companies until after the first day of January, 1858, and that the Governor of the State shall at the next August election order an election that the voters of this State may decide by a majority for or against the said loan."

On motion of Mr. Caldwell, laid on the table by the following vote :

YEAS—Messrs. Allen, Caldwell, Flanagan, Guinn, McCulloch, McDade, Millican, Palmer, Pirkey, Scarborough, Scott, Superviele, Taylor of Fannin and Whitaker—14.

NAYS—Messrs. Armstrong, Burroughs, Grimes, Martin, Maverick, Pedigo, Potter, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White and Wren—13.

The bill was then passed to a 3d reading by the following vote :

YEAS—Messrs. Allen, Caldwell, Guinn, Hill, Millican, Palmer, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Truit, Weatherford, White and Wren—16.

NAYS—Messrs. Armstrong, Burroughs, Flanagan, Grimes, McCulloch, McDade, Martin, Maverick, Pedigo, Scott and White—11.

Mr. Maverick offered the following amendment to come in at the end of section one :

"Provided that not more than \$600,000 out of the \$1,000,000 set apart for the section lying west of the Trinity river, shall ever be applied to roads lying east of the Brazos river.

On motion of Mr. Palmer laid on the table by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Millican, Palmer, Potter, Scarborough, Scott, Taylor of Fannin and Whitaker—14.

NAYS—Messrs. Armstrong, Burroughs, McCulloch, Maverick, Martin, Pedigo, Pirkey, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford and White—13.

Mr. Armstrong moved the reference of the bill to the Committee on the Judiciary—lost.

The bill was then passed by the following vote :

YEAS—Messrs. Allen, Bryan, Caldwell, Guinn, Hill, Lott, Millican, Palmer, Pirkey, Potter, Scarborough, Scott, Super-



viele, Taylor of Cass, Taylor of Fannin, and Whitaker—16.

NAYS—Messrs. Armstrong, Burroughs, Flanagan, Grimes, McCulloch, McDade, Martin, Maverick, Pedigo, Taylor of Houston, Truit, Weatherford, White, and Wren—14.

A bill to amend an act to incorporate the Chapel Hill Male and Female Institute; read, and ordered to be engrossed.

On motion of Mr. McDade, the rule was suspended, bill read a 3d time, and passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Truit, and Whitaker—22.

NAYS—None.

Mr. Allen presented the petition of J. Douglass Brown; referred to the Committee on Public Lands.

Mr. Allen introduced a bill for the relief of James Washbourne; read 1st and 2d times, and referred to the Committee on Claims and Accounts.

On motion of Mr. Potter, a bill to establish a Penal Code for the State of Texas, was taken up, and read a 2d time.

Mr. Potter offered the following amendments:

Page 102, line 5, after "Mayors" insert "or Recorders."

" 103, " 13, " " " " "

" 211, " 4, " " " " "

" " " 5, " " " " "

Adopted, and the bill passed to a 3d reading.

On motion of Mr. Guinn, the rule was suspended, bill read a 3d time and passed by the following vote:

YEAS—Messrs. Armstrong, Bryan, Caldwell, Guinn, Hill, McDade, Maverick, Palmer, Pedigo, Pirkey, Potter, Scarborough, Superviele, and Wren—14.

NAYS—Messrs. Burroughs, Flanagan, Grimes, Lott, McCulloch, Millican, Scott, Taylor of Cass, Truit, Whitaker, and White—13.

The message from the Governor, withholding his approval from a bill to amend an act to incorporate the Aransas Road Company, special order for to-day, was read and made the special order for Monday next, the 25th inst., at 11 o'clock A. M.

On motion of Mr. Hill, a House bill for the relief of James Reson, John S. Hill, Henry Applewhite, and George Peerman, was taken up and read 1st time.



Rule suspended, bill read 2d time, and passed to a 3d reading.

Rule further suspended, bill read a 3d time, and passed.

A bill for the relief of Francisco Antonio de los Rios, passed by the Senate, and passed by the House with amendments, was taken up, read, and the amendments concurred in.

A bill to incorporate the Houston Tap and Brazoria R. R. Company, passed by the Senate, and passed by the House with amendments, was taken up, and the Senate refused to concur in the 2d amendment, but concurred in the remainder.

Mr. Armstrong moved a reconsideration of the vote refusing to concur in the amendment No. 2. Lost.

On motion of Mr. Potter, the vote taken on Saturday, rejecting a bill for the relief of P. G. Moffatt, was reconsidered, and the bill passed by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Martin, Maverick, Palmer, Potter, Scarborough, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, and Whitaker—21.

NAYS—Messrs. Guinn, Hord, Millican, and Pirkey—4.

On motion of Mr. Taylor of Cass, the Senate adjourned until 8 o'clock P. M.

8 O'CLOCK P. M.

Senate met—roll called—quorum present.

Joint resolution requiring the Governor to convene the Legislature, in the event of the election of the Black Republican Candidate for President, special order for this evening, was taken up, and the amendments offered by the Committee on State Affairs, adopted.

The resolution was then ordered to be engrossed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Guinn, Lott, McCulloch, Martin, Potter, Scarborough, Scott, Superviele, Taylor of Cass, Whitaker, and White—14.

NAYS—Messrs. Burroughs, Caldwell, Flanagan, Grimes, Hill, Maverick, Millican, Pedigo, Pirkey, Taylor of Fannin, Taylor of Houston, Truit, and Weatherford—13.

On motion of Mr. Bryan, the rule was suspended, and bill read 3d time.

On motion of Mr. Burroughs, a call of the Senate was ordered.

Absent, Messrs. Hord, Palmer, and Wren.



A message was received from the House, informing the Senate that the House had passed

A bill, originating in that body, to provide for the safe-keeping of the Capitol and furniture, and to define the duties of the Secretary of the Senate and Chief Clerk of the House of Representatives.

Also, the following bills, originating in the Senate :

A bill to create the county of Brown ;

“ to incorporate the Houston Lyceum ;

“ to create the county of McCulloch ;

“ “ “ “ Jack ;

“ “ “ “ Palo Pinto ;

“ to amend 1st and 5th sections of an act creating the county of Young, approved 2d Feb., 1856.

A bill making appropriation to pay a judgment rendered against James H. Cock, dec'd., and Co. ;

A bill to incorporate the Frost Institute ;

“ for the relief of John Sparks ; and

“ to incorporate the Brazoria High School.

Also, the following Senate bills, with amendments :

A bill to validate a survey and patent upon the headright certificate of John R. Rogers ;

A bill to provide for the safe-keeping of the libraries of the Supreme Court, at the several branches thereof ;

A bill to create the county of Lasalle ; and

A bill to quiet land titles.

On motion of Mr. Pedigo, a bill for the relief of Alexander McLane, was taken up, read 2d time, and ordered to be engrossed.

Rule suspended, bill read 3d time, and passed.

On motion of Mr. Hord, a bill creating a fund for the erection and support of a Lunatic Asylum, was taken up.

Mr. Bryan moved to amend by striking out “two hundred and fifty,” and inserting “one hundred.”

Mr. Taylor of Cass, moved to amend by striking out “one hundred,” and inserting “sixty,”—adopted.

And the amendment as amended adopted.

Mr. Palmer offered the following amendments :

“Sec. 2. That until said Asylum shall be established, so much of the interest as may be necessary of said fund, may be used annually for the benefit of such lunatics as may be sent from the State to any Lunatic Asylum.”

“Sec. 3. That any Lunatic Asylum having charge of any



lunatic, who has been placed or shall be placed in said Asylum, while a citizen of the State of Texas, shall be entitled to receive, from said fund, one hundred and fifty dollars annually for each and every lunatic so held in charge by such Asylum, upon said account being approved by the Governor of the State."

"Sec. 4. That it shall be the duty of the County Court of each county, to report annually, to the Governor of the State, the number of lunatics sent from their respective counties to Lunatic Asylums, and the names and the localities of the Asylums to which they are sent, and also the names and number of all other lunatics in each county. That this act take effect and be in force from and after its passage."

Adopted.

On motion of Mr. Potter, the bill was referred to the Committee on Education.

On motion of Mr. Bryan, the call of the Senate was suspended, and the joint resolution read 3d time, and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Guinn, Hord, Lott, McCulloch, Martin, Palmer, Potter, Scarborough, Scott, Superviele, Taylor of Cass, Whitaker, and White—16.

NAYS—Messrs. Burroughs, Caldwell, Flanagan, Grimes, Hill, McDade, Maverick, Millican, Pedigo, Pirkey, Taylor of Fannin, Taylor of Houston, Truit, and Weatherford—14.

On motion of Mr. Taylor of Cass, a bill relinquishing to the counties the State Tax for the years 1856 and '57, with the message of the Governor withholding his approval, was taken up, and passed by the following vote, the Governor's objections to the contrary notwithstanding :

YEAS—Messrs. Armstrong, Bryan, Caldwell, Flanagan, Guinn, Hill, Hord, Lott, McCulloch, McDade, Martin, Millican, Palmer, Pedigo, Pirkey, Potter, Scott, Taylor of Cass, Taylor of Houston, Truit, and Weatherford—21.

NAYS—Messrs. Allen, Burroughs, Grimes, Maverick, Superviele, Taylor of Fannin, Whitaker, and White—8.

On motion of Mr. Lott, a bill for the relief of individuals who settled as pre-emptors, or who made locations by virtue of genuine certificates, within the Mississippi and Pacific Reservation, prior to the twenty-first day of December, 1853, with the veto message of the Governor, was taken up, and

The Senate refused to pass the bill by the following vote :



YEAS—Messrs. Armstrong, Flanagan, Hill, Lott, McCulloch, Martin, Scott, Taylor of Houston, and Truit—9.

NAYS—Messrs. Allen, Bryan, Barroughs, Grimes, Guinn, Hord, Maverick, Palmer, Pedigo, Pirkey, Potter, Superviele, Taylor of Cass, Taylor of Fannin, and White—15.

On motion of Mr. Scott, a bill to change the line between the counties of Lavaca and Gonzales, was taken up, read 2d time, and passed to 3d reading.

Rule suspended, bill read 3d time, and passed.

On motion of Mr. Martin, a bill for the relief of Jas. H. Dyer and Samson C. Dyer, was taken up, read 2d time, and ordered to be engrossed.

Rule suspended, bill read 3d time, and passed.

On motion of Mr. Burroughs, a bill for the relief of the heirs at law of Wm. P. King, was taken up, read, and passed to 3d reading.

Rule suspended, bill read 3d time, and passed.

On motion of Mr. Caldwell, a bill for the relief of Geo. W. Davis, was taken up, read 2d time, and refused to be engrossed.

On motion of Mr. Bryan, a bill for the relief of Thornton Thatcher, Chas. S. Betts, and the heirs of Samuel J. Brown, dec'd., was taken up, read 2d time, and passed to 3d reading.

Rule suspended, bill read 3d time, and passed.

Mr. Martin moved a reconsideration of the vote rejecting a bill for the relief of H. H. Edwards.

On motion of Mr. Flanagan, laid on the table.

On motion of Mr. Potter, the Senate adjourned until tomorrow morning, at 8 o'clock.

TUESDAY, Aug. 19th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday, was read and adopted.

Mr. Martin asked leave to record his vote against the passage of a bill to establish a Penal Code for the State of Texas.

The Senate refused to grant him leave.

Mr. Potter, chairman of the Judiciary committee made the following report :

The Judiciary committee have considered "a bill, supple-